

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL A. SHAFFER,

Plaintiff

V.

**SUSAN GRAYBILL, as an :
individual and as Administratrix of the :
Estate of DENNIS M. GRAYBILL; :
MINUTEMAN PRESS :
INTERNATIONAL, INC.; :
and ROBERT EMMETT, :**

Defendants

CIVIL NO. 01-CV-1065

ORDER

On July 25, 2003, the Third Circuit Court of Appeals filed its mandate in this court remanding the captioned action with instructions to dismiss the action or transfer the action to an appropriate district court in New York. A conference call was held on August 18, 2003 between Plaintiff, proceeding *pro se*, and counsel for Defendants.

Counsel for Defendant Minuteman Press (Minuteman) has argued that the commencement of arbitration by an approved party to settle disputes arising out of or relating to the franchise agreement is a condition precedent to the filing of legal action by any party. Minuteman argues that if this case is transferred to a federal court in New York, a motion to dismiss will need to be filed because of the condition precedent.

It thus appears that the appropriate action in this case is to dismiss the court action and allow Plaintiff to proceed to arbitration. Accordingly, **IT IS HEREBY ORDERED THAT** the August 11, 2003 order dismissing the action remains in effect and this case remains closed.

s/Sylvia H. Rambo
Sylvia H. Rambo
United States District Judge

Dated: August 19, 2003.